

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

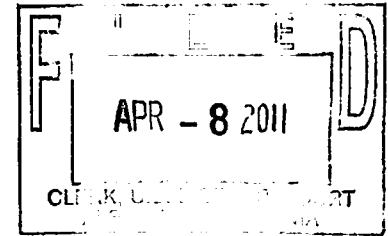
Odyssey Logistics &
Technology Corporation,

Plaintiff,

v.

David J. Kappos,

Defendant.



CIVIL ACTION NO. 1:08cv1241

ORDER

THIS MATTER is before the Court on Plaintiff Odyssey Logistics & Technology Corporation's Motion for Summary Judgment and Defendant's Motions to Dismiss for Lack of Subject Matter Jurisdiction and Summary Judgment. (Dkt. Nos. 53, 58-59.) For the reasons stated in open court on April 8, 2011, it is hereby

ORDERED that Defendant's Motion to Dismiss Counts II and III pursuant to Federal Rule of Civil Procedure 12(b)(1) is GRANTED. It is further

ORDERED that Defendant's Motion for Summary Judgment is GRANTED as to Count IV of Plaintiff's Complaint. It is further

ORDERED that Defendant's Motion for Summary Judgment for Counts II and III are DENIED AS MOOT. It is further

ORDERED that Plaintiff's Motion for Summary Judgment is DENIED.

The Clerk is directed to forward a copy of this Order to counsel of record.

ENTERED this 8th day of April, 2011.

Alexandria, Virginia

/s/
Gerald Bruce Lee
United States District Judge